

Substitute Specification

The Examiner has required submission of a substitute specification. Attached hereto is the required substitute specification, together with a "mark-up" copy showing the changes between the original and substitute specification. No new matter is added by any changes made to the original specification in the substitute specification.

Substitute Sequence Listing

During preparation of the present Amendment, it came to the attention of Applicants' Representative that a nucleotide sequence disclosed in Figure 1 was not listed in the Sequence Listing of record. Accordingly, a substitute Sequence Listing is provided attached hereto that includes the missing sequence, listing it as SEQ ID NO:87.

Statement Under 37 C.F.R. 1.825 (d)

A substitute computer readable form of the SEQUENCE LISTING, file name: 20-4348.txt, is submitted herewith.

20-4348.txt is a file in Text format which contains the same material as the printed copy of the substitute SEQUENCE LISTING submitted herewith in connection with the above referenced application, but lacks format information.

Provisional Obviousness Type Double Patenting

All of the pending claims stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 and 16-22 of co-pending application number 09/301,766. Applicants note the provisional nature of the obviousness type double patenting rejection.

In view of the provisional nature of the rejection, applicants submit that proper procedure is for the Examiner to either allow this application or the co-pending '766 application and then to impose an actual obviousness type double patenting rejection in the other application. Applicants inform the Examiner at this time that an appropriate terminal disclaimer will be filed in whichever application it proves necessary. Accordingly, applicants await word from the Examiner as to in which application the terminal disclaimer should be filed.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3) months to April 14, 2000 in which to file a reply to the Office Action. The required fee of \$870.00 is enclosed herewith.

If the Examiner has any questions concerning this application, he is requested to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

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required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

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Attachments: Substitute specification
 Mark-up specification
 Substitute Sequence Listing, printed
 Substitute Sequence Listing, CRF